

NATURAL RESOURCE COMMISSION[571]

Adopted and Filed

Rule making related to snowmobiles

The Natural Resource Commission hereby amends Chapter 47, “Snowmobiles,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is adopted under the authority provided in Iowa Code sections 321G.2(1)“e,” 321G.7(2) and 455A.5(6).

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code sections 321G.2(1)“e,” 321G.7 and 455A.5(6).

Purpose and Summary

Iowa Code section 321G.7(2) requires that at least 70 percent of Iowa’s snowmobile registration funds be used on grants, subgrants, contracts, or cost-share programs in support of Iowa’s snowmobile programs. These funds are available for political subdivisions and incorporated private organizations. Prior to 2017, only 50 percent of registration funds were required to be used in such a manner, but the amount was increased by the 87th General Assembly in 2017 Iowa Acts, Senate File 472, signed by Governor Branstad on April 12, 2017. This enlargement necessarily increases the Iowa Department of Natural Resources’ (Department) workload associated with implementing such grants, contracts, and cost-share programs. After the passage of the bill, the Department and the Iowa State Snowmobile Association (ISSA) mutually agreed to transfer these moneys to ISSA via contract so that ISSA rather than the Department may distribute the funds consistent with the statutory directive. This agreement benefits both parties by enabling the Department to focus its limited resources on other administrative and enforcement matters, while empowering ISSA to foster a more active snowmobile community within the state. The parties signed the contract on September 5, 2017, specifying the requirements in law for these registration funds.

Chapter 47 contains the rules for registering, operating, and selling snowmobiles in the state. Rule 571—47.10(321G) is being added to make clear that at least 70 percent of snowmobile fees will be transferred via contract to a political subdivision or incorporated private organization for use consistent with Iowa Code section 321G.7(2). The new rule also outlines the minimum terms such a contract shall always contain to ensure the statutorily mandated grants and cost-share programs are being implemented and to ensure that these public funds are subject to regular accounting and reporting. The Commission’s snowmobile registration revenue grant program rules contained in Division III are being rescinded. These rules are no longer necessary since ISSA shall be administering the program.

Public Comment and Changes to Rule Making

Notice of Intended Action for this rule making was published in the Iowa Administrative Bulletin on June 6, 2018, as **ARC 3828C**. A public hearing was held on June 26, 2018, at 9 a.m. in Conference Room 4E, Wallace State Office Building, Des Moines, Iowa. A member of ISSA authorized to speak on behalf of the association appeared and made comments in support of these amendments. No other public comments were received. No changes from the Notice have been made.

Adoption of Rule Making

This rule making was adopted by the Commission on August 9, 2018.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa. The funds used in the snowmobile registration revenue grant program have not changed because of these amendments. A copy of the impact statement is available from the Department upon request.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found. A copy of the impact statement is available from the Department upon request.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 561—Chapter 10.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

Effective Date

This rule making will become effective on October 3, 2018.

The following rule-making actions are adopted:

ITEM 1. Adopt the following new rule 571—47.10(321G):

571—47.10(321G) Snowmobile fee grants, cost-share programs, and contracts. The department shall transfer, via contract, at least 70 percent of snowmobile fees to a political subdivision or an incorporated private organization for distribution through snowmobile-related grants, cost-share agreements, or contracts consistent with Iowa Code section 321G.7(2). Terms of this contract shall, at a minimum, direct the receiving party to identify and make publicly available grant, cost-share program, and contract eligibility and selection criteria; accounting, auditing, and reporting requirements; termination terms; and unspent money repayment processes. Any contract entered into pursuant to this rule shall be available on the department's website or upon request from department snowmobile program staff.

This rule is intended to implement Iowa Code section 321G.7(2).

ITEM 2. Rescind rules **571—47.30(321G)** to **571—47.47(321G)**.

[Filed 8/9/18, effective 10/3/18]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 8/29/18.